

III. Other Persons Having Legal Responsibility.

The law places a definite responsibility upon each of the persons named below. The various responsibilities of each will be given in the following sections:

- A. Responsible heads of all State penal or charitable institutions.
- B. County Superintendents of public welfare.
- C. Qualified and registered North Carolina physicians or surgeons.

PERSONS WHO MAY BE STERILIZED

The North Carolina law provides specifically for sterilization of three types of cases upon authorization of the Eugenics Board. These are the feeble-minded, epileptic, and mentally diseased when it is believed that such an operation would be for the best interests of the individual concerned, or for the public good, or when it is believed a child or children might be born who would have a tendency to serious mental or nervous disease or deficiency.

It is specifically stated that nothing in the law shall prevent the medical or surgical treatment by a physician of an individual for the protection of health. If a county department of public welfare, however, has any part in an operation resulting in sterilization, such as payment of hospital or surgeon's fees or planning and counseling with the family regarding the operation, and the person upon whom the operation is to be performed is feeble-minded, epileptic, or mentally ill, full protection can be provided to the county department of public welfare, the physician, and the hospital only by filing a petition with the Eugenics Board. The act specifically provides that no person legally participating in sterilization proceedings under the law shall be liable, either civilly or criminally, on account of such participation except in cases of negligence in performance of the operation. When county departments of public welfare are dealing with mentally incompetent persons, they should conform carefully to the statutory provisions since such persons are easily influenced and their attitudes and actions after the operation is performed cannot be predicted. Persons to be sterilized should also be assured protection of their individual rights through compliance with the statutory procedures. No agency should ask a doctor or hospital to perform a sterilization operation on a mentally ill or mentally deficient person without sanction of the Eugenics Board since the doctor or hospital would be running a grave risk and might be subject to possible suit. The individual or agency attempting to have an operation performed without sanction of the Eugenics Board would also be subject to possible suit.

FILING PETITIONS

I. Duty to Institute Proceedings

The law states that it shall be the duty of the head of a State